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DATE	:	February 20, 2008
SUBJECT	:	Wireless Division U.S. Patent Appln. Serial No. 09/663,069 for *Electronic Shopping Service* Inventor(s): Varatharajah Our Ref.: 40116/05701

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40116 - 05701(A69227)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Inventor(s)	:	Varatharajah
Serial No.	:	09/663,069
Filed	:	September 15, 2000
For	:	Electronic Shopping Service
Group Art Unit	:	3625
Confirmation No.	:	3198
Examiner	:	Yogesh C. Garg

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Oleg F. Kaplun (Reg. No. 45,559)

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TRANSMITTAL

Transmitted herewith please find a Reply Brief in response to the Examiner's Answer mailed on December 20, 2007 for filing in the above-identified application. No fees are believed to be required. However, the Commissioner is hereby authorized to charge any required fees to the **Deposit Account of Fay Kaplun & Marcin, LLP No. 50-1492.** A copy of this paper is enclosed for that purpose.

Respectfully submitted,

Dated: February 20, 2008

By:
Oleg F. Kaplun Reg. No. 45,559
Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, New York 10038
Tel: (212) 619-6000
Fax: (212) 619-0276

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Respectfully submitted,

Dated: February 20, 2008

By: Oleg F. Kaplun Reg. No. 45,559

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, New York 10038
Tel: (212) 619-6000
Fax: (212) 619-0276

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PATENT
Attorney Docket No.: 40116 - 05701

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:	
Varatharajah	
Serial No.: 09/663,069	Group Art Unit: 3625
Filed: September 15, 2000	Examiner: Yogesh C. Garg
For: Electronic Shopping Service	**Board of Patent Appeals and Interferences**
Confirmation: 3198	

Mail Stop: Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF UNDER 37 C.F.R. § 41.41

In response to the Examiner's Answer mailed on December 20, 2007 to the Appeal Brief filed November 5, 2007, and pursuant to 37 C.F.R. § 41.41, the Appellant presents this reply brief in the above-captioned application.

This is an appeal to the Board of Patent Appeals and Interferences from the Examiner's final rejection of claims 1, 2, 5-10 and 12-19 in the Final Office Action dated June 7, 2007 as clarified in the Advisory Action dated August 22, 2007 and further clarified in the Examiner's Answer dated December 20, 2007. The appealed claims are set forth in the attached Claims Appendix.

Serial No.: 09/663,069
Group Art Unit: 3625
Attorney Docket No.: 40116 - 05701

1. Status of the Claims

Claims 1, 2, 5-10 and 12-19 have been rejected in the Final Office Action. Claims 3, 4 and 11 have been previously canceled. Therefore, the final rejection of claims 1, 2, 5-10 and 12-19 is being appealed.

2. Grounds of Rejection to be Reviewed on Appeal

I. Whether claims 1, 2, 5, 7-10, 12 and 14-19 are unpatentable under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 6,490,602 to Kraemer (hereinafter "Kraemer") and further in view of U.S. Patent No. 6,327,576 to Ogasawara (hereinafter "Ogasawara").

II. Whether claim 6 is unpatentable under 35 U.S.C. § 103(a) as obvious over Kraemer in view of Ogasawara and further in view of U.S. Patent No. 6,963,848 to Brinkerhoff (hereinafter "Brinkerhoff").

III. Whether claim 13 is unpatentable under 35 U.S.C. § 103(a) as obvious over Kraemer in view of Ogasawara and in further view of the article "End-to-End Enterprise Solution: Extending the Reach of Retail Stores Through Point-of-Sales Web Technology" (hereinafter "the Article").

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3. Argument

I. The Rejection of Claims 1, 2, 5, 7-10, 12 and 14-19 Under 35 U.S.C. § 103(a) as Obvious Over Kraemer and Further in View of Ogasawara Should be Reversed

A. The Examiner's Rejection

In the Final Office Action, claims 1, 2, 5, 7-10, 12 and 14-19 were rejected under 35 U.S.C. § 103(a) as obvious over Kraemer and further in view of Ogasawa. *6/7/07 Office Action*, p. 3. The Examiner stated that Kraemer discloses the invention substantially as claimed, except for a receipt data. *Id.* The Examiner cites Ogasawara to cure this deficiency. *Id.*

B. The References Do Not Disclose Receiving a User Selection of a First Line Item From an Electronic Receipt and Receiving a User Authorization for Group of People to Remotely View the List, as Recited In Independent Claims 1, 9, 16 and 18

Claim 1 recites a method for manipulating receipt data, the method comprising "*receiving, on a user computing device, a user selection of a first line item from a first electronic receipt stored on a remotely located data farm, thereby forming an electronic list, wherein the first electronic receipt includes a record of a first purchase transaction*; transmitting the selection to the data farm; storing the list on the data farm after the selection is made" and "*receiving a user authorization for a group of people to remotely review the list, the reviewing performed using at least one remote computing device.*"

Kraemer describes a method for providing a unified toolbar across product webpages of multiple, independent retailers. *Kraemer*, Abstract. A purchase request by a user is made via the toolbar which is inserted into a source code of the webpage. *Id.* at col. 3, lines 64 - 67. An enhanced functionality server fills out purchase forms (i.e., name, credit card, shipping address, etc.) after the user has indicated that he wishes to purchase a product by using the "purchase this product" service on the toolbar. *Id.* at col. 3, lines 12 - 22. Alternatively, other users may view the product selected by the user and purchase the product for the user themselves. *Id.* at col. 5,

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line 40 - col. 6, line 67.

Ogasawara describes a system by which information concerning shelf-life limitations of products is made available to a purchaser electronically. *Ogasawara*, Abstract. The information is stored on an electronic receipt used to generate and maintain an inventory control system on a home terminal. *Id.* at col. 3, lines 4 - 10. The receipt is provided on an IC card or stored on a web server. *Id.* at col. 4, lines 47 - 53. The terminal obtains the information directly from the IC card, or from the web server using the customer's name and ID, store name and shopping date and time. *Id.* at col. 11, lines 39 - 61. To maintain a stock record of items, the terminal can automatically identify items by their RFID labels. *Id.* If the items use bar code labels, the customer must press an "IN" key to initiate download of the information. *Id.* Once the list is created, the customer reviews the list by pressing a "LIST" key. *Id.* at col. 12, lines 45 - 46.

In the Final Office Action, the Examiner contends that Kramer does not explicitly show using an electronic receipt, but that Kramer does disclose using electronic documents such as product web pages based on past record of the gift and that it would be obvious to one of ordinary skill in the art to modify Kraemer with the receipt data of Ogasawara in order to enhance Kraemer's system of using past records. *7/7/07 Office Action*, pp. 4-5. However, it is respectfully submitted that it would not have been obvious to one of ordinary skill in the art to combine the system of Kraemer with the electronic receipt of Ogasawara since Kraemer does not show or suggest using prior selections to create a registry. Rather, Kraemer only teaches preparing a suggested list of retailers in response to a user's previous selections. *See Kraemer*, col. 5, ll. 28-30. This list may include other preferred or suggested retailers that are not a result of prior selections. *Id.* Choosing any one of these links would not enable the user to select a first line item. The user would have to browse the links or request their own product webpage in order to make a selection. *Id.* at col. 5, ll. 33-38.

The Examiner, however, interprets "electronic receipt stored on a remotely located data farm" as digital data stored on a remote website, and this digital data, which includes a list of items, is browsed by the user through a web browser so that the user may select items to create another electronic list. *Examiner's Answer*, p. 10. The Examiner further asserts that the step of

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receiving a list of items, whether they be a vendor's list of items or a record of previous transactions, is the same regardless of its source. *Id.* Applicant respectfully disagrees with the Examiner's interpretation. It is respectfully submitted that an "electronic receipt" is understood in the art to be digital data regarding previous purchases or transactions. A vendor's list of items in the form of a vendor's webpage, as described by Kraemer, is not generated by any prior selections or transactions nor does a vendor's webpage allow line items to be selected. Furthermore, it is respectfully submitted that incorporating an electronic receipt into the system of Kraemer would be repetitive and unneccessary since any selections made by the user are added to the registry, but may be edited at a later time. A user forming a gift registry would have no desire to register for gifts that he or she has already selected or purchased. Rather, a user may add items, review the items that have been previously selected, and edit them when desired. Any previous selections, therefore, will already be on the gift registry itself. Thus, it is respectfully submitted that it would not have been obvious to one of ordinary skill in the art to combine the system of Kraemer with the electronic receipt of Ogasawara.

Even if, however, it had been obvious to modify the system of Kraemer with the electronic receipt data of Ogasawara it is respectfully submitted that Ogasawara does not cure the deficiency of Kramer. Specifically, the electronic receipt described by Ogasawara does not allow "a user selection of a first line item from a first electronic receipt," as recited in claim 1. After the user presses the "IN" key, expiration information is *automatically* downloaded from the web server. Any list created in the manner described by Ogasawara would necessarily include all items having an expiration date. The user has no control over what gets downloaded and cannot select only certain items to be added to a new list. Thus, even if the electronic receipt of Ogasawara were incorporated into the system of Kraemer, the user would be unable to select any of the line items from the electronic receipt.

Thus, it is respectfully submitted that neither Kraemer nor Ogasawara, either alone or in combination, teach or suggest "*receiving, on a user computing device, a user selection of a first line item from a first electronic receipt stored on a remotely located data farm,*" as recited in claim 1.

Additionally, in the Final Office Action, the Examiner asserts that since the gift givers have to provide authentication to access this electronic list of gifts, it implies that they receive the authorization from gift recipients to view the electronic gift list and buy the gifts for them. *6/7/07 Office Action*, p. 4. However, it is respectfully submitted that a user authorization is not required for other people to review the gift registry/list of Kraemer. The list is reviewable by any person who can properly identify the user, by answering a series of questions in a question and answer form. *Kraemer* at col. 6, ll. 34-41. The Applicant is not suggesting that the question and answer forms must relate specifically to the gift-giver or the gift-recipient in order to be considered a user authorization, as the Examiner suggests. *8/22/07 Advisory Action*, p. 2. Rather, the Applicant argues that Kraemer does not teach or suggest that the *user* indicates any authorization. The enhanced functionality server 100 of Kramer uses a series of questions and answers to make sure that the gift-giver is accessing the proper recipient's gift registry. *Kraemer* at col. 6, ll. 34-41. The enhanced functionality server 100 may use this identification process regardless of whether the user indicates any authorization at all. This process exists for the gift-givers benefit, whereas a user authorization would exist for the gift-recipient's benefit.

The Examiner contends that the limitation of "receiving a user authorization," as recited in claim 1, may be broadly interpreted to mean that the reviewer should have permission to view the list and that informing gift-givers of the list corresponds to permitting a group of gift-givers to view the list. *Examiner's Answer*, p. 12. However, it is respectfully submitted that merely informing a group of gift-givers of the list would not be interpreted by those of ordinary skill in the art as "receiving a user authorization." As the electronic list is created by the user on a user computing device for review electronically, it is respectfully submitted that it would be understood by those in the art that the user authorization would also be received via the user computing device for electronic authorization. Thus, it is respectfully submitted that Kraemer does not show or suggest "receiving a user authorization," as recited in claim 1.

It is also respectfully submitted that Ogawara does not cure this deficiency of Kramer. Ogasawara teaches a home terminal, which makes the expiration list available for review by any users of the home terminal. *Ogasawara*, col. 14, ll. 44-49. Ogasawara does not show or suggest that the expiration list may be available remotely or that any user authorization is required.

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Moreover, as the expiration list is not available for remote review, no user authorization will be required. Thus, it is respectfully submitted that Ogasawara does not cure the deficiency of Kraemer, as Ogasawara does not teach or suggest a user authorization to view the list.

Therefore, it is respectfully submitted that neither Kraemer nor Ogasawara, either alone or in combination, show or suggest "*receiving a user authorization for a group of people to remotely review the list, the reviewing performed using at least one remote computing device*," as recited in claim1.

Accordingly, it is respectfully submitted that neither Kraemer nor Ogasawara, either alone or in combination render claim 1 obvious. Therefore, it is respectfully requested that the rejection of claim 1 be reversed. Because claims 2, 5, 7 and 8 depend from and include all of the limitations of claim 1, it is respectfully submitted that these claims are also allowable.

Similarly, claim 9 recites a method for purchasing goods, including services, from multiple merchants, the method comprising "receiving, on a user computing device, a user's selections of first and second goods for purchase on respective first and second websites; receiving payment for the first and second goods through the second website with one transaction from the user's perspective; generating an electronic receipt for the transaction, the receipt including a line item corresponding to a purchase record for each of the first and second goods; and storing the electronic receipt in a remote database for later retrieval, *wherein the user may select the line items using the user computing device and then store the selection in the remote database, thereby authorizing a group of users to retrieve the line items, the retrieval performed using at least one remote computing device*."

For at least the same reasons as discussed above in regard to claim 1, it is respectfully submitted that the final rejection of claim 9 should be reversed. Because claims 10, 12, 14 and 15 depend from and therefore include all of the limitations of claim 9, it is respectfully submitted that these claims are also allowable.

Claim 16 recites a system for manipulating receipt data, the system comprising "a first e-

merchant stored in a first computing device and operable to generate an electronic receipt, wherein the electronic receipt includes a record of a first purchase transaction; a data farm stored in a memory coupled to the first e-merchant and configured to store the electronic receipt; and *a shopping service stored in a second computing device coupled to the data farm and configured to retrieve the electronic receipt for a consumer and allow the consumer to remotely select a line item from the transaction record, thereby creating a review list stored on the data farm after the selection is made, wherein the shopping service enables the consumer to authorize one of a group of people to remotely review the list, the reviewing performed using at least one remote computing device.*"

For at least the same reasons as discussed above in regard to claim 1, it is respectfully submitted that the final rejection of claim 16 should also be reversed. Since claim 17 depends from and includes all of the limitations of claim 16, it is respectfully submitted that this claim is also allowable.

Claim 18 recites a computer program product for manipulating receipt data comprising a program module including instructions directing a processor to "*select a first line item from a first electronic receipt, wherein the first electronic receipt includes a record of a purchase transaction; store the selected first line item in a remote storage location after the selection is made, to form a list*; and *receive a user authorization for a group of people to remotely review the list, the reviewing performed using at least one remote computing device.*"

For at least the same reasons as discussed above in regard to claim 1, it is respectfully submitted that the final rejection of claim 18 should also be reversed. Because claim 19 depends from and includes all of the limitations of claim 18, it is respectfully submitted that this claim is also allowable.

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II. The Rejection of Claim 6 Under 35 U.S.C. § 103(a) As Obvious Over Kraemer in View of Ogawara and Further in View of Brinkerhoff Should Be Reversed

A. The Examiner's Rejection

In the Final Office Action, claim 6 was rejected under 35 U.S.C. § 103(a) as obvious over Kraemer in view of Ogaswara and further in view of Brinkerhoff. *6/7/07 Office Action*, p. 8. The Examiner states that Kraemer and Ogasawara teach all of the limitations of claim 2, from which claim 8 depends, but does not teach commenting on the list. *Id.* The Examiner cites Brinkerhoff to cure this deficiency. *Id.*

B. The References Do Not Disclose Receiving a User Selection of a Fist Line Item From an Electronic Receipt and Receiving a User Authorization for Group of People to Remotely View the List, as Recited In Independent Claim 1

Brinkerhoff describes a review collection system for collecting reviews of goods and services. *Brinkerhoff*, col. 3, lines 56 - 58. The system provides purchasers with requests to provide a review for a purchased item or service a predetermined amount of time after the item was purchased or delivered. *Id.* at col. 4, lines 3 - 8.

It is respectfully submitted that Brinkerhoff does not cure the deficiencies left by Kramer in view of Ogaswara, as discussed above in regard to the § 103(a) rejection of claim 1, the base claim of claim 6. Specifically, Brinkerhoff does not teach or suggest "*receiving, on a user computing device, a user seelction of a first line item from a first electronic receipt stored on a remotely located data farm, thereby forming an electronic list, wherein the first electronic receipt includes a record of a first purchase transaction*" and "*receiving a user authorization for a group of people to remotely review the list, the reviewing performed using at least one remote computing device,*" as recited in claim 1. Because claim 6 depends from and includes all of the limitations of claim 1, it is respectfully submitted that the rejection of claim 6 should be reversed.

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III. The Rejection of Claim 13 Under 35 U.S.C. § 103(a) as Obvious Over Kraemer in View Of Ogasawara and Further in View of the Article Should Be Reversed

A. The Examiner's Rejection

In the Final Office Action, claim 13 was rejected under 35 U.S.C. § 103(a) as obvious over Kraemer in view Ogasawara and further in view of the Article. *6/7/07 Office Action*, p. 8. The Examiner states that Kraemer in view of Ogasawara discloses the invention substantially as claimed, but does not disclose that the advertisement is displayed while paying. *Id.* at p. 9. The Examiner cites the Article to cure this deficiency.

B. The References Do Not Disclose Storing a User Selection of a Line Items From an Electronic Receipt and Receiving and Authorizing a Group of People to Remotely Retrieve the List, as Recited In Independent Claim 9

It is respectfully submitted that the Article does not cure the deficiencies of Kraemer and Ogasawara, and that neither Kraemer nor Ogasawara, nor the Article, either alone or in combination, discloses or suggests "storing the electronic receipt in a remote database for later retrieval, *wherein the user may select the line items using the user computing device and then store the selection in the remote database, thereby authorizing a group of users to retrieve the line items, the retrieval performed using at least one remote computing device*," as recited in claim 9. Because 13 depends from, and, therefore include the limitations of claim 9, it is respectfully submitted that this claim is also allowable.

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4. Conclusion

For the reasons set forth above, Appellants respectfully request that the Board reverse the final rejections of the claims by the Examiner under 35 U.S.C. § 103(a) and indicate that claims 1, 2, 5-10 and 12-19 are allowable.

Respectfully submitted,

Date: February 20, 2008

By: _____
Oleg F. Kaplun (Reg. No. 45,559)

Fay Kaplun & Marcin, LLP
150 Broadway, Suite 702
New York, NY 10038
Tel: (212) 619-6000
Fax: (212) 619-0276

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CLAIMS APPENDIX

1. (Previously presented) A method for manipulating receipt data, the method comprising:

receiving, on a user computing device, a user selection of a first line item from a first electronic receipt stored on a remotely located data farm, thereby forming an electronic list, wherein the first electronic receipt includes a record of a first purchase transaction;

transmitting the selection to the data farm;

storing the list on the data farm after the selection is made; and

receiving a user authorization for a group of people to remotely review the list, the reviewing performed using at least one remote computing device.

2. (Original) The method of claim 1, further comprising the step of

reviewing the list, the reviewing performed by one of the group of people.

3. (Canceled)

4. (Canceled)

5. (Previously presented) The method of claim 2, further comprising the step of

receiving, at one of a consumer and a shopping-service coupled to the data farm, an order selection from the one of the group of people for the first line item.

6. (Original) The method of claim 2, wherein the step of reviewing comprises viewing and commenting on the list.

7. (Previously presented) The method of claim 1, further comprising the step of

receiving, on the user computing device, a user selection of a second line item from the first electronic receipt and adding that second line item to the list.

8. (Previously presented) The method of claim 1, further comprising the step of

receiving, on the user computing device, a user selection of a second line item from a second electronic receipt, wherein the second electronic receipt includes a record of a second

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purchase transaction, and adding that second line item to the list.

9. (Previously presented) A method for purchasing goods, including services, from multiple merchants, the method comprising:

receiving, on a user computing device, a user's selections of first and second goods for purchase on respective first and second websites;

receiving payment for the first and second goods through the second website with one transaction from the user's perspective;

generating an electronic receipt for the transaction, the receipt including a line item corresponding to a purchase record for each of the first and second goods; and

storing the electronic receipt in a remote database for later retrieval, wherein the user may select the line items using the user computing device and then store the selection in the remote database, thereby authorizing a group of users to retrieve the line items, the retrieval performed using at least one remote computing device.

10. (Original) The method of claim 9, wherein the step of paying comprises

automatically placing first and second orders for the first and second goods with the respective first and second websites.

11. (Canceled)

12. (Previously presented) The method of claim 10, further comprising the step of

retrieving, using the user computing device, the electronic receipt.

13. (Previously presented) The method of claim 10, further comprising the step of

presenting an advertisement on the user computing device during the step of paying.

14. (Previously presented) A method according to claim 1, further comprising:

generating the first electronic receipt as a result of a first purchase transaction at a first merchant.

15. (Previously presented) A method according to claim 8, further comprising:

generating the first electronic receipt as a result of a first purchase transaction at a first merchant; and

generating the second electronic receipt as a result of a second purchase transaction at a second merchant.

16. (Previously presented) A system for manipulating receipt data, the system comprising:

a first e-merchant stored in a first computing device and operable to generate an electronic receipt, wherein the electronic receipt includes a record of a first purchase transaction;

a data farm stored in a memory coupled to the first e-merchant and configured to store the electronic receipt; and

a shopping service stored in a second computing device coupled to the data farm and configured to retrieve the electronic receipt for a consumer and allow the consumer to remotely select a line item from the transaction record, thereby creating a review list stored on the data farm after the selection is made, wherein the shopping service enables the consumer to authorize one of a group of people to remotely review the list, the reviewing performed using at least one remote computing device.

17. (Previously presented) A system for manipulating receipt data according to claim 16, further comprising:

a second e-merchant stored in a third computing device coupled to the data farm and operable to generate a second electronic receipt, wherein the second electronic receipt includes a record of a second purchase transaction, the data farm further configured to store the second electronic receipt; and the shopping service further operable to retrieve the first and second electronic receipts.

18. (Previously presented) A computer program product for manipulating receipt data comprising a computer readable memory and a program module, the program module including instructions directing a processor to:

select a first line item from a first electronic receipt, wherein the first electronic receipt includes a record of a purchase transaction;

store the selected first line item in a remote storage location after the selection is made, to form a list; and

receive a user authorization for a group of people to remotely review the list, the reviewing performed using at least one remote computing device.

19. (Previously presented) A computer program product according to claim 18, wherein the program module further includes instructions directing a processor to:

receive a user selection of a second line item from a second electronic receipt, wherein the second electronic receipt includes a record of a purchase transaction, and adding that second line item to the list.

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